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## COMMENTS:

Re: 10/660,262

First Named Inventor: Baumgartner, John W.

Title: ORGANIC SLURRY STORAGE BASIN COVER

Amendment and Response enclosed.

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Reply to Minneapolis
Robert W. Gutenkauf
612 632-3086
robert.gutenkauf@gpmlaw.com

September 22, 2004

# VIA FACSIMILE

Commissioner for Patents P.O. Box 1450 Arlington, VA 22313-1450

> Inventor: Baumgartner, et. al. Application No.: 10/660,262 Date Filed: September 10, 2003

Title: ORGANIC SLURRY STORAGE BASIN COVER

Attorney Docket No.: 95373

### TRANSMITTAL LETTER

#### Dear Sir:

Enclosed for filing with the United States Patent and Trademark Office, please find:

- 1. Transmittal Letter including certificate of facsimile transmission under 37 C.F.R. 1.8;
- 2. Amendment and Response (6 Sheets);
- 3. Exhibit attached to Amendment and Response (2 Sheets); and,
- 4. Fee Transmittal for FY 2004 (in duplicate).

Please charge Deposit Account 50-0937 the Small Entity fees \$86.00 for two independent claims over two and for any other fees required at this time. If you have any questions, please contact me.

Very truly yours,

Robert W. Gutenkauf Registration No. 25,681 Attorney for Applicants

### Certificate of Facsimile Transmission under 37 C.F.R. §1.8

I hereby certify that the following identified correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on September 22, 2004: Transmittal Letter including certificate of facsimile transmission under 37 C.F.R. 1.8; Amendment and Response (6 Sheets); Exhibit attached to Amendment and Response (2 Sheets); and, Fee Transmittal for FY 2004 (in duplicate).

GP:1627R36 vI

PTO/SB/17 (10-03) Approved for use through 07/31/2008. OMB 0651-0032

| Under the Pa  | aperwo                      | rk Red  | uction Act of 1995,   | no persons are requ   | ired to r                                | espond  | U.S. F<br>to a col                         | Patent s<br>lection | and Trade<br>moini to | emark<br>alion u       | Office; U.S. D<br>Inless it displ | DEPARTMENT OF<br>Bys & valid OMB c | COMMERCE point of number. |
|---|-----------------------------|---|-----------------------|-----------------------|--|---|--|---------------------|-----------------------|------------------------|-----------------------------------|------------------------------------|---------------------------|
|   |                             |   |                       |                       |  | Complete if Known   |  |                     |                       |                        | ı                                 |                                    |                           |
| FEE TRANSMITTA  |                             |   |                       |                       | L  | Application Number  |  |                     | oer 1                 | 10/660,262             |                                   |                                    |                           |
| for FY 2004   |                             |   |                       |                       | Filing Date                              |   |  | 09                  | 09/10/2003            |                        |                                   |                                    |                           |
| Effective 10/01/2003, Patent fees are subject to annual revision                                  |                             |   |                       |                       |  | First Named Inventor  |  |                     | ntor B                | Baumgartner, John W.   |                                   |                                    |                           |
|   |                             |   |                       |                       |  |   |  | M                   | Mayo, Tara L.         |                        |                                   |                                    |                           |
| Applicant claims small entity status. See 37 CFR 1.27   |                             |   |                       |                       | Art Unit                                 |   |  | 3                   | 3673                  |                        |                                   |                                    |                           |
| TOTAL AMOUNT OF PAYMENT (\$) 86.00  |                             |   |                       |                       |  | Attorney Docket No.   |  |                     | No. 9                 | 95373                  |                                   |                                    |                           |
| METHO   | FEE CALCULATION (continued) |   |                       |                       |  |   |  |                     |                       |                        |                                   |                                    |                           |
| Check   | Credi                       | it card   | Money C               | Other None            | 3. ADDITIONAL FEES                       |   |  |                     |                       |                        |                                   |                                    |                           |
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| Deposit 50,0007   |                             |   |                       |                       |  | Fee<br>(\$)   |  |                     |                       | Fee Description        |                                   | Fee Paid                           |                           |
| Account<br>Number   |                             |   |                       |                       | 1051                                     | 130   | 130 2051 65 Surcharge - late filing fee of |                     |                       | le filing fee or       | osth                              |                                    |                           |
| Deposit Account Gray, Plant, Mooty et al.   |                             |   |                       |                       |  | 50  | 2052                                       | 25                  | Surcharg              |                        | e provisional                     | filing fee or                      |                           |
| Name L<br>The Director is a   | uthori                      | ≥ed to:   | (check all that app   | (y)                   | 1053                                     |   | 1053                                       |                     |                       |                        | ecification                       |                                    |                           |
| Charge fee(s)   |                             |   |                       | any overpayments      | l .                                      | 2,520   |  |                     | -                     |                        |                                   | rts reexamination                  |                           |
| Charge any at   | ddition                     | ad fee(s  | ) or any underpaym    | ent of fee(s)         | 1804                                     | 920*  | 1504                                       | 920*                | Requesti<br>Examine   | r actio                | blication of SI<br>n              | IR prior Lo                        |                           |
| Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. |                             |   |                       |                       | 1805                                     | 1,840*  | 1805                                       | 1,840*              | Request<br>Examine    |                        | blication of S                    | IR after                           |                           |
| FEE CALCULATION   |                             |   |                       |                       | 1251                                     | 110   | 2251                                       | 55                  |                       |                        | eply within fir                   | st month                           |                           |
| 1. BASIC FILI   |                             |   | 12002 (11011          |                       | 1252                                     | 420   | 2252                                       | 210                 | Extension             | n for i                | reply within so                   | econd month                        |                           |
| Large Entity Sma  | all Ent                     | ity   |                       |                       | 1253                                     | 950   | 2253                                       | 475                 | Extensio              | n for i                | reply within th                   | ird month -                        |                           |
| Fee Foe Fee<br>Code (\$) Co   | e Fe                        |   | ee Description        | Fee Paid              | 1254                                     | 1,480   | 2254                                       | 740                 | Extension             | on for a               | reply within fo                   | surth month                        |                           |
| 1   | 01 36                       |   | Utility filing fee    |                       | 1255                                     | 2.010   | 2255                                       | 1,005               | Extension             | n for r                | epiy within fil                   | ኒስ month                           | <u> </u>                  |
| 1002 340 200  | 02 17                       | 0   | Design filing fee     |                       | 1401                                     | 330   | 2401                                       | 165                 | Notice o              | f Appe                 | al                                |                                    |                           |
| 1003 530 20   | 03 26                       | 5   | Plant filing fee      |                       | 1402                                     | 330   | 2402                                       | 165                 | Filing e t            | brief in               | support of a                      | n appeal                           | · ·                       |
| 1004 770 20   | 04 36                       | ış  | Reissue filing fce    |                       | 1403                                     | 290   | 2403                                       | 145                 | Request               | for or                 | al hearing                        |                                    |                           |
| 1005 160 201  | 05 8                        | 10  | Provisional filing fo | <u> </u>              | 1451                                     | 1,510   | 1451                                       | 1,510               | Petition I            | lo insti               | lute a public i                   | use proceeding                     |                           |
| 1   |                             | SL  | JBTOTAL (1) (         | \$)                   | 1452                                     | 110   | 2452                                       | 55                  | Petition t            | o reviv                | ve - unavolda                     | bie                                |                           |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE   |                             |   |                       |                       |  | 1,330   | 2453                                       | 665                 | Petition I            | to revi                | ve - unintenti                    | ônai                               |                           |
| Fee from  |                             |   |                       |                       |  | 1,330   | 2501                                       |                     | -                     |                        | (or reissue)                      |                                    |                           |
| Total Claims  |                             | -20**   |                       | elow Fee Paid         | 1502                                     | 480   | 2502                                       |                     | Design Is             |                        |                                   |                                    |                           |
| Independent   | 5                           | - 3**   |                       | .0 = 86.0             | 1503                                     | 640   | 2503                                       |                     | Plant iss             |                        |                                   |                                    |                           |
| Claims Multiple Depende   | ent                         |   |                       |                       | 1460                                     | 130   | 1460                                       |                     |                       |                        | Commission                        | . F                                |                           |
| Large Entity   S  | imall E                     | intity  |                       |                       | 1807                                     | 50  | 1807                                       |                     |                       | . •                    | under 37 CF                       | . '"                               |                           |
| Fee Fee   | Fee                         | Fee   | Fee Description       | <u>n</u>              | 1806                                     | 180   | 1806                                       |                     |                       |                        | , baleut azzid<br>Iutowaliou D    | Disclosure Stmt                    |                           |
| Code (5) (1202 18   | 2202                        |   | Cialms in excess      | nf 20                 | B021                                     | ₩   | 8021                                       | 40                  | property              | (times                 | number of p                       | roperlies)                         |                           |
| 1201 86   | 2201                        | 43  | Independent claim     |                       | 1809                                     | 770   | 2809                                       | 385                 | Filing a a<br>(37 CFR |                        | sion after fin:                   | al rejection                       |                           |
| 1203 290  | 2203                        |   | •                     | nt claim, If not paid | 1810                                     | 770   | 2810                                       | 385                 |                       |                        | onal inventlo:                    | n to be                            |                           |
| 1204 86   | 2204                        | 43  | ** Reissue indepe     |                       |  |   |  |                     | čxamine               | d (37 (                | CFR 1.129(b)                      | )                                  |                           |
| 1205 18   | 2205                        | 9   | over original pat     |                       | 1801<br>1802                             | 770<br>900  | 2801<br>1802                               |                     | •                     |                        |                                   | mination (RCE)                     |                           |
| nd over original patent   |                             |   |                       |                       |  | 1902 900 1802 900 Request for expedited examination of a design application |  |                     |                       |                        |                                   |                                    |                           |
| SUBTOTAL (2) (\$) 86.00   |                             |   |                       |                       |  | Other fee (specify)   |  |                     |                       |                        |                                   | <del></del>                        |                           |
| ***Or number pre  | - Kedi                      | *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) |                       |                       |  |   |  |                     |                       |                        |                                   |                                    |                           |
| SUBMITTED BY  |                             |   |                       |                       |  |   | (Complete (                                | if applicable))     |                       |                        |                                   |                                    |                           |
| Name (Print/Yype) Robert W. Gytenkauf   |                             |   |                       |                       | Registration No. (Attorney/Agent) 25,681 |   |  |                     | 681                   | Telephone 612-632-3086 |                                   |                                    |                           |
| Signature // // / / / / Signature   |                             |   |                       |                       |  |   |  |                     |                       | Date 09/22/2004        |                                   |                                    |                           |

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|---|--|--|--|--|--|--|--|--|
| FEE TRANSMITTA  | Application Number 10/660,262  |  |  |  |  |  |  |  |
| for TV 0004   | Filing Date 09/10/2003   |  |  |  |  |  |  |  |
| for FY 2004   | First Named Inventor Baumgartner, John W.  |  |  |  |  |  |  |  |
| Effective 10/01/2003. Petent fees are subject to annual revision                                  | Examiner Name Mayo, Tara L.  |  |  |  |  |  |  |  |
| Applicant claims small entity status. See 37 CFR 1.27   | Art Unit 3673  |  |  |  |  |  |  |  |
| TOTAL AMOUNT OF PAYMENT (\$) 86.00  | Attorney Docket No. 95373  |  |  |  |  |  |  |  |
| METHOD OF PAYMENT (check all that apply)  | FEE CALCULATION (continued)  |  |  |  |  |  |  |  |
| Check Credit card Money Other None  | 3. ADDITIONAL FEES   |  |  |  |  |  |  |  |
| Dapasit Account:  | Large Entity Small Entity  |  |  |  |  |  |  |  |
| Deposit 50 0007   | Fee Fee Fee Fee Pai Fee Pai Fee Pai  |  |  |  |  |  |  |  |
| Number  | 1051 130 2051 65 Surcharge - late filing fee or cath                                 |  |  |  |  |  |  |  |
| Peposil Account Gray, Plant, Mooty et al.   | 1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet               |  |  |  |  |  |  |  |
| Name The Director is authorized to: (check all that apply)  | 1053 130 1053 130 Non-English specification  |  |  |  |  |  |  |  |
| Charge fee(s) indicated below Credit any overpayments   |  |  |  |  |  |  |  |  |
| Charge any additional fee(s) or any underpayment of fee(s)  | 1804 920° 1804 920° Requesting publication of SIR prior to Examiner action           |  |  |  |  |  |  |  |
| Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. | 1805 1,840* 1805 1,840* Requesting publication of SIR efter Examiner action          |  |  |  |  |  |  |  |
| FEE CALCULATION   | 1251 110 2251 55 Extension for reply within first month                              |  |  |  |  |  |  |  |
| 1. BASIC FILING FEE   | 1252 420 2252 210 Extension for reply within second month                            |  |  |  |  |  |  |  |
| Large Entity Small Entity   | 1253 950 2253 475 Extension for reply within third month                             |  |  |  |  |  |  |  |
| Fee Fee Fee Fee Fee Description Fee Paid Code (\$) Code (\$)                                      | 1254 1,480 2254 740 Extension for reply within fourth month                          |  |  |  |  |  |  |  |
| 1001 770 2001 385 Utility filing fee  | 1255 2,010 2255 1,005 Extension for reply within tifth month                         |  |  |  |  |  |  |  |
| 1002 340 2002 170 Design filing fee   | 1401 330 2401 165 Notice of Appeal   |  |  |  |  |  |  |  |
| 1003 530 2003 265 Plant filing fee  | 1402 330 2402 165 Filing a briaf in support of an appeal                             |  |  |  |  |  |  |  |
| 1004 770 2004 385 Relssue filing fee  | 1403 290 2403 145 Request for oral hearing   |  |  |  |  |  |  |  |
| 1005 160 2005 80 Provisional filing fee   | 1451 1,510 1451 1,510 Petition to institute a public use proceeding                  |  |  |  |  |  |  |  |
| SUBTOTAL (1) (\$)   | 1452 110 2452 55 Petition to revive - unavoidable                                    |  |  |  |  |  |  |  |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE   | 1453 1,330 2453 665 Petition to revive - unintentional                               |  |  |  |  |  |  |  |
| Fee from Extra Claims below Fee Paid  | 1501 1,330 2501 665 Utility issue fee (or reissue)                                   |  |  |  |  |  |  |  |
| Total Claims -20** = X  | 1502 480 2502 240 Design issue fee 1503 640 2503 320 Plant issue fee                 |  |  |  |  |  |  |  |
| Independent 5 -3** = 2 x 43.0 = 86.0  | 1460 130 1460 130 Petitions to the Commissioner                                      |  |  |  |  |  |  |  |
| Multiple Dependent  | 1807 50 1807 50 Processing fee under 37 CFR 1.17(q)                                  |  |  |  |  |  |  |  |
| Large Entity   Small Entity   | 1806 180 1806 180 Submission of Information Disclosure Stmt                          |  |  |  |  |  |  |  |
| Fee Fee Fee Fee Fee Description Code (\$) Code (\$)   | Pagesting such astronomy and an  |  |  |  |  |  |  |  |
| 1202 18 2202 9 Claims in excess of 20   | property (times number of properties)  |  |  |  |  |  |  |  |
| 1201 86 2201 43 Independent claims in excess of 3   | 1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.128(e))        |  |  |  |  |  |  |  |
| 1203 290 2203 145 Multiple dependent claim, If not paid   | I I  |  |  |  |  |  |  |  |
| 1204 86 2204 43 ** Relssue Independent claims over original patent                                | examined (37 CFR 1.129(b)) 1801 770 2801 385 Request for Continued Examination (RCE) |  |  |  |  |  |  |  |
| 1205 18 2205 9 ** Reissue claims in excess of 20  | 1802 900 1802 900 Request for expedited examination                                  |  |  |  |  |  |  |  |
| and over original patent  | of a design application  Other fee (specify)   |  |  |  |  |  |  |  |
| SUBTOTAL (2) (\$) 86.00   | *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)                                  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |
| SUBMITTED BY  | (Complete (J applicable))  Registration No. 25 594  Talcaboro 512 522 2095           |  |  |  |  |  |  |  |
| Name (Print/Type) Robert W. Gutenkauf   | (Artomey/Agent) 25,681 Telephone 612-632-3086  |  |  |  |  |  |  |  |

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